

IN RE: PETITION FOR ZONING VARIANCE
SW/S Park Heights Avenue, 2300'
SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District, 3rd Councilmanic District
Edward M. Trott, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-53-A

ORDER

WHEREAS Petitioners requested a variance to permit an accessory structure (swimming pool) in the front yard in lieu of the required rear yard in accordance with the plan submitted and identified as Petitioner's Exhibit 1;

WHEREAS, by Order issued January 11, 1990, the relief requested was denied.

WHEREAS, pursuant to the receipt of a Motion for Reconsideration from Counsel for Petitioner, a hearing was set for April 4, 1990 in which Petitioners were permitted to present additional testimony and evidence in support of their position.

WHEREAS, after due consideration of the testimony presented by both the Petitioners and the Protestants in this matter,

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of April, 1990 that the relief requested in the Motion for Reconsideration in the above-captioned matter be and the same is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs
cc: Mr. & Mrs. Eugene O. Reynolds
Mr. & Mrs. James F. Seal, Jr.
People's Counsel
Case file
William L. Kirk, Esquire

IN RE: PETITION FOR ZONING VARIANCE
SW/S Park Heights Avenue, 2300'
SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District, 3rd Councilmanic District
Edward M. Trott, et ux
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-53-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) in the front yard in lieu of the required rear yard in accordance with Petitioner's Exhibit 1.

The Petitioners, by Edward M. Trott, appeared, testified and was represented by William L. Kirk, Esquire. No Protestants appeared at the hearing, however, a letter of opposition was submitted by Mr. & Mrs. James F. Seal, Jr., and a letter was submitted by Mr. & Mrs. Eugene O. Reynolds requesting that Petitioners be required to relocate the proposed pool further north.

Testimony indicated that the subject property, known as 12022 Park Heights Avenue, consists of 4.69422 acres zoned R.C. 5, and is improved with a single family dwelling which Petitioners built approximately 5 years ago. Said property is part of a parcel which was in Mrs. Trott's family for many years and was subdivided several years ago. Petitioners propose constructing a swimming pool on the property; however, Mr. Trott testified that due to the topography of the land and the location of the well and septic system, the only feasible location for the pool is in the front yard. Mr. Trott believes the proposed location, which is approximately 23 feet from the side yard, is appropriate. He testified that existing growth on both his property and the adjoining property provides a

nice barrier. Mr. Trott introduced photographs and a plat depicting the proposed location of the pool and existing dwelling marked Petitioner's Exhibit 3.

Subsequent to the hearing on December 18, 1989, Petitioner submitted a revised site plan which has been marked Petitioner's Exhibit A. The Protestants' letters indicated concern due to the proximity of the proposed pool to the side yard and resulting noise which may be generated by its use. The Protestants requested that the pool be moved further from the side property line and contend the subject property could accommodate its relocation. Petitioner was not willing to relocate the pool further from the side property line citing topographic reasons.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, there is insufficient evidence to allow a finding that the Petitioners would experience practical difficulty or unreasonable hardship if the

requested variance were denied. The testimony presented by Petitioners was in support of a matter of preference rather than of the necessity for the variance. The evidence presented in the pictures and Petitioner's Exhibit 3 do not support Petitioner's contention that the pool cannot be located elsewhere on the property. The Petitioners have failed to show that compliance would unreasonably prevent the use of the property or be unnecessarily burdensome. Therefore, the variance requested must be denied.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of January, 1990 that the Petition for Zoning Variance to permit an accessory building (swimming pool) in the front yard in lieu of the required rear yard, be and is hereby DENIED.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: #503

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To permit an accessory building (pool) in the front yard in lieu of the required rear.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
Your Petitioner own a wooded (rear) lot which is graded in such a manner as to allow location of swimming pool on the side/front of the property.
That the configuration of the lot requires a variance. Lot size 4.69 acres.
Such other reasons to be assigned at the hearing.

Property is to be posted and advertised, as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):

(Type or Print Name)
Signature
Address
City and State

Attorney for Petitioner:

(Type or Print Name)
Signature
Address
City and State

12022 Park Heights Avenue, Owings Mills, Md.

Address Phone No.
City and State 356-4266

28 Allegheny Ave., Suite 501
Address
Towson, Md. 21204
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address Phone No.

Attorney's Telephone No. 337-8600
Address Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this 11th day

of 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 16th day of May, 1990, at 2 o'clock

By J. Robert Haines
Zoning Commissioner of Baltimore County

ORDER RECEIVED FOR FILING

Date 4/16/90
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

January 11, 1990



Dennis F. Rasmussen
County Executive

William L. Kirk, Esquire
28 Allegheny Avenue, Suite 501
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
SW/S Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District - 3rd Councilmanic District
Edward M. Trott, et ux - Petitioners
Case No. 90-53-A

Dear Mr. & Mrs. Trott:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been denied in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. James F. Seal, Jr.
11958 Park Heights Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue, Owings Mills, Md. 21117

People's Counsel

File

02/17/89 09:45 301 52 305 LARRY CHEVROLET 503 2005

Schedule A
6843-316

Beginning for the same at a stone heretofore set at the beginning of that parcel of land of which the parcel being described is a part, which was conveyed from Grace A. Durham to James Hofmeister and Elizabeth Hofmeister, his wife, by deed dated September 6, 1939, and recorded among the Land Records of Baltimore County, Maryland in Liber CNEJr. 1080, folio 42, etc., said stone being also at the end of the twenty-first or S 37° 59' 34" W 1125.02 feet line of that parcel of land which was conveyed from Union Trust Company of Maryland to Loyola Financial and Development Corporation by deed dated July 5, 1975, and recorded among said Land Records in Liber EHKJr. 5375, folio 449, etc., thence running with and binding on the first or N 25° 39' E 1133 feet 8 inches line of the whole parcel conveyed from Durham et al to Hofmeister and reversely with the said twenty-first line of Loyola Financial and Development Corporation

(1.) N 17° 58' 10" E 714.56 feet to a steel pin now set thence for a line of division now made through the whole parcel (2.) N 81° 49' 26" E 173.74 feet to a steel pin now set in the western right-of-way line of Park Heights Avenue, as shown on State Roads Commission of Maryland Plat No. 8366 50.00 feet right of baseline of right-of-way station 2+00, thence running with and binding on said western right-of-way line the following five courses and distances

(3.) by a line curving to the left in a southerly direction with a radius of 979.93 feet for a distance of 87.225 feet along the arc which is subtended by a chord bearing S 12° 00' 43" E 87.20 feet to a steel pin now set thence

(4.) S 75° 20' 17" W 25.00 feet to a steel pin now set, thence leaving the said right-of-way line and running for a line of division now made through the whole parcel

(5.) by a line curving to the left in a southerly direction with a radius of 1004.93 feet for a distance of 78.93 feet along the arc which is subtended by a chord bearing S 16° 48' 43" E 78.91 feet to a steel pin now set, thence

(6.) N 70° 56' 17" E 25.00 feet to a steel pin now set, thence

(7.) by a line curving to the left in a southerly direction with a radius of 979.93 feet for a distance of 279.34 feet along the arc which is subtended by a chord bearing S 27° 13' 43" E 278.4 feet to a steel pin now set at the beginning of the fifth or S 62° 12' W 287.90 feet line of that parcel of land which was conveyed from James Hofmeister and Elizabeth Hofmeister, his wife, to Louis H. Talbert and Bettie Ruth Talbert, his wife, by deed dated December 1, 1955, and recorded among the aforementioned Land Records in Liber GLB 2852, folio 73, etc., thence running with and binding on the said fifth line

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 20, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District, 3rd Councilmanic District
EDWARD M. TROTT, ET UX - Petitioner
Case No. 90-53-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 15, 1990 by William L. Kirk, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Mr. & Mrs. Edward M. Trott
12022 Park Heights Avenue, Owings Mills, MD 21117

William L. Kirk, 28 Allegheny Avenue, Suite 501, Towson, MD 21204

Mr. & Mrs. James F. Seal, Jr.
11958 Park Heights Avenue, Owings Mills, MD 21117

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue, Owings Mills, MD 21117

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 5/16/89 ACCOUNT: 01-615

AMOUNT: \$ 35.00

RECEIVED FROM: Zoning, Kirk, & Ellis

FOR: Residential Variance (Item #503)

POSTAL CODE: B 12544-3500-5 517.F

VALIDATION OR SIGNATURE OF CARRIER

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Council District: _____ Election District: _____

Date: _____ Receipt Number: _____ FEE TYPE: _____ Identification Number: _____ Zip Code: _____

Petitioner: Trott, Edward M. (Last, First, Middle Initial)

Property Address: 12022 Park Heights Avenue (Number, Street)

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: July 24, 1989

Posted for: Variance

Petitioner: Edward M. Trott, et al.

Location of property: SW/4 Park Heights Avenue, 2300' SE of c/l of Walnut Avenue, 4th Election District - 3rd Councilmanic District

Location of Sign: In front of 12022 Park Heights Avenue

Remarks: S.J. Kirta

Posted by: S.J. Kirta Date of return: July 28, 1989

Number of Signs: 1

March 28, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Re: Motion for Reconsideration
Case No. 90-53-A

The Baltimore County Zoning Law states that a swimming pool (exterior accessory detached structure) shall not be located in the front or side yard of a residential house, but must be located to the rear of the house and may be as close as three feet to existing rear property lines and as close as one foot to the house.

We believe that zoning laws were created to protect residents of a community so that the quality of the collective residential properties in the community may be maintained.

Therefore, we reiterate our position in that the location of the swimming pool, still proposed to be located on 23 feet from the side yard of existing developed neighboring properties, be relocated preferably to footage that borders undeveloped properties, whether it be front or rear of the house.

We believe that the December 18, 1989 Hearing of Case No. 90-53-A was fairly judged and continues to apply.

Eugene O. and Loretta P. Reynolds
Eugene O. and Loretta P. Reynolds
11962 Park Heights Avenue
Owings Mills, MD 21117

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

February 9, 1990

William L. Kirk, Esquire
28 Allegheny Avenue, Suite 501
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/4 Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District - 3rd Councilmanic District
Edward M. Trott, et ux - Petitioners
Case No. 90-53-A

Dear Mr. Kirk:

In response to your letter dated January 29, 1990 regarding the above-captioned matter, the following comments are offered.

Your request for a reconsideration of this matter has been approved and by copy of this letter to the Docket Clerk, a hearing on your Motion for Reconsideration will be scheduled at the earliest possible date.

In the event you have any further questions on the subject, please do not hesitate to contact the Docket Clerk, Gwendolyn Stephens, at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Mr. & Mrs. James F. Seal, Jr.
11958 Park Heights Avenue, Owings Mills, Md. 21117

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue, Owings Mills, Md. 21117

Gwendolyn Stephens - Please allow approximately 45 minutes for this hearing.

People's Counsel

File

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th Date of Posting: March 15, 1990

Posted for: Variance

Petitioner: Edward M. Trott, et al.

Location of property: SW/4 Park Heights Avenue, 2300' SE of c/l of Walnut Avenue, 4th Election District - 3rd Councilmanic District

Location of Sign: In front of 12022 Park Heights Avenue

Remarks: S.J. Kirta

Posted by: S.J. Kirta Date of return: March 23, 1990

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. July 27, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the OWINGS MILLS TIMES, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on July 27, 1989.

THE JEFFERSONIAN
OWINGS MILLS TIMES,

S. Zebe Olsen
Publisher

PO 13759
NY 131052
ca 90-53-A
price \$74.86

WILLIAM L. KIRK

Attorney at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

January 29, 1990

RECEIVED
JAN 29 1990
ZONING OFFICE

Baltimore County Zoning Commissioner
Office of Planning & Zoning
County Office Building
Towson, Maryland 21204

Attention: Ann Nastarowicz

Re: Petition for Zoning Variance
SW/4 Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue (12022 Park Heights Avenue)
4th Election District - 3rd Councilmanic District
Edward M. Trott, et ux - Petitioners
Case No.: 90-53-A

Dear Ms. Nastarowicz:

Pursuant to your Opinion of January 11, 1990, I ask that you accept this letter as my client's formal request for a reconsideration/request for additional hearing to clarify his position. This request is being made within 30 days of your Order of January 11, 1990, and in the hopes that you accept same under your broad revisory powers.

It is further my desire that you stay entry of your Order of January 11, 1990 denying my client's request for zoning variance until such time as this request is disposed of. I shall be more than happy to meet with you at your earliest opportunity during the week of February 5-9, 1990, as I will be on vacation until that time. I am also enclosing a Order in the matter to be filed, if you are inclined to consider my request.

Very truly yours,

WILLIAM L. KIRK

WLK/scl
Enclosure

cc: Mr. & Mrs. Edward Trott

cc: J. Robert Haines
Zoning Commissioner

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

DATE: 4/1/89

Mr. & Mrs. Edward M. Trott
12022 Park Heights Avenue
Owings Mills, Maryland 21117

Re: Petition for Zoning Variance
CASE NUMBER: 90-53-A
SW/4 Park Heights Avenue, 2300' SE of c/l of Walnut Avenue
12022 Park Heights Avenue
4th Election District - 3rd Councilmanic District
Petitioner(s): Edward M. Trott, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 16, 1989 at 2:00 p.m.

Dear Mr. & Mrs. Trott:

Please be advised that \$45.00 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs
cc: William L. Kirk, Esq.
File

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/4 Park Heights Avenue, 2300 * DEPUTY ZONING
SE of the c/l of Walnut Avenue * COMMISSIONER OF
(12022 Park Heights Avenue) * BALTIMORE COUNTY
4th Election District *
3rd Councilmanic District * CASE NO.: 90-53-A
Edward M. Trott, et ux *
Petitioners *

ORDER

Staying Final Findings Of Facts And Conclusions Of Law pursuant to a Request for Reconsideration/Modification/Rehearing and other relief it is by the Deputy Zoning Commissioner for Baltimore County on this 9th day of February, 1990, ORDERED that the Findings of Facts and Conclusions of Law as filed on January 11, 1990 and the subsequent Order be and is hereby stayed for a period of time, until the resolution of the Request for Rehearing, Reargument, or Modification as filed by the Petitioner herein.

ANN M. NASTAROWICZ
DEPUTY ZONING COMMISSIONER

receipt

Account: R-001 6153
Number: 2014

90-53

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date:

Cashier Validation: Please make checks payable to Baltimore County

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 074562

DATE: 4-1-89 ACCOUNT: R-01-615-000

AMOUNT: \$ 77.00

RECEIVED FROM: J. M. Trott

FOR: Posting & Advertising (90-53-A)

8 8107*****35604 0187

VALIDATION OR SIGNATURE OF CARRIER

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Edward M. Trott
12022 Park Heights Avenue
Owings Mills, Maryland 21117



Date: February 21, 1990

Re: Case numbers: 90-53-A
Petitioner(s): Edward M. Trott, et ux

Dear Petitioner(s):

Please be advised that \$25.00 is due for reposting of the above-referenced property.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Your anticipated cooperation is appreciated.

Very truly yours,

J. Robert Haines
ZONING COMMISSIONER
BALTIMORE COUNTY
887-3391

cc: William L. Kirk, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

FEB 21 1990

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Motion for Reconsideration
Petitioner for Zoning Variance
CASE NUMBER: 90-53-A
SW/S Park Heights Avenue, 2300' SE c/l of Walnut Avenue
12022 Park Heights Avenue
4th Election District - 3rd Councilmanic District
Petitioner(s): Edward M. Trott, et ux
HEARING: WEDNESDAY, APRIL 11, 1990 at 2:00 p.m.

MOTION FOR RECONSIDERATION
Variance to permit an accessory building (pool) in the front yard in lieu of the required rear.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Mr. & Mrs. Trott
William L. Kirk, Esq.
Mr. & Mrs. Seal
Mr. & Mrs. Reynolds
Dorothy Taffe

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

July 12, 1989

NOTICE OF HEARING

Dennis F. Rasmussen
County Executive

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 90-53-A
SW/S Park Heights Avenue, 2300' SE of c/l of Walnut Avenue
12022 Park Heights Avenue
4th Election District - 3rd Councilmanic District
Petitioner(s): Edward M. Trott, et ux
HEARING SCHEDULED: WEDNESDAY, AUGUST 16, 1989 at 2:00 p.m.

Variance: To permit an accessory building (pool) in the front yard in lieu of the required rear.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

JRH:gs
cc: Edward M. Trott
William L. Kirk, Esq.
File

5-15-90
ZONING OFFICE

IN RE:

PETITION FOR ZONING VARIANCE
S/W Park Heights Avenue, 2300
SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District
3rd Councilmanic District

* BEFORE THE
* DEPUTY ZONING
* COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO.: 90-53-A

Edward M. Trott, et ux
Petitioners

ORDER FOR APPEAL

Dear Mr. Clerk:

Kindly enter an appeal to the Board of Zoning Appeals- Baltimore County from the decision rendered in the above matter on April 16, 1990.

WILLIAM L. KIRK
28 Allegheny Ave., #501
Towson, Md. 21204
(301) 337-8600

Attorney for Petitioners

I HEREBY CERTIFY copy of the foregoing was mailed to Deputy Zoning Commissioner for Baltimore County, c/o Planning and Zoning, County Office Building, Towson, Md. 21204 on this 15 day of May, 1990.

WILLIAM L. KIRK

A:TROTT.APPEAL

APPEAL

Petition for Zoning Variance
SW/S Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District - 3rd Councilmanic District
EDWARD M. TROTT, ET UX - Petitioner
Case No. 90-53-A

Petition for Zoning Variance
Description of Property
Certificate of Posting
Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: A., 1., & 2. Zoning Plans of Trott Property
3. Location Map and House Site Plan
4A - 4E - Photographs of property
5. Plan of the Trott Property
6A - 6C - Photographs of pool location

Deputy Zoning Commissioner's Order dated January 11, 1990 (Denied)

Deputy Zoning Commissioner's Order (as a result of acceptance of Motion for Reconsideration) dated April 16, 1990 (Denied)

Notice of Appeal received May 15, 1990 from William L. Kirk, Attorney on behalf of the Petitioners

People's Counsel of Baltimore County
Rm. 204, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, County Attorney

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

June 20, 1990



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SW/S Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District, 3rd Councilmanic District
EDWARD M. TROTT, ET UX - Petitioner
Case No. 90-53-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on May 15, 1990 by William L. Kirk, Attorney on behalf of the Petitioners. All materials relative to the case are being forwarded here with.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
ZONING COMMISSIONER

JRH:cer

Enclosures

cc: Mr. & Mrs. Edward M. Trott
12022 Park Heights Avenue, Owings Mills, MD 21117

William L. Kirk, 28 Allegheny Avenue, Suite 501, Towson, MD 21204

Mr. & Mrs. James F. Seal, Jr.
11958 Park Heights Avenue, Owings Mills, MD 21117

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue, Owings Mills, MD 21117

People's Counsel of Baltimore County
Rm. 204, County Office Bldg., Towson, Md. 21204

August 12, 1989

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue #109
Towson, MD. 21204

RE: CASE # 90-53-A, August 16, 1989 - 2:00 p.m.

Dear Mr. Haines:

We are objecting to the proposed construction of a swimming pool placed in the front of the house on this property.

As a neighbor, with 22 years of residence in our house, we feel that the proposed location of the swimming pool which is only several feet from our property line, is much too close. Also, we feel that the noise would be overwhelming to us. However, the property on which the pool is to be built is large enough to allow flexibility in locating the pool much farther away from our property line.

Thank you for taking into consideration our letter of concern in this matter.

Sincerely,
James F. Seal, Jr. and Nancy R. Seal

James F. Seal, Jr. and Nancy R. Seal
11958 Park Heights Avenue
Owings Mills, MD. 21117

RECEIVED
AUG 14 1989
RECEIVED ZONING OFFICE
AUG 14 1989
ZONING OFFICE

RECEIVED
AUG 10 1989
ZONING OFFICE

August 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
111 W. Chesapeake Avenue #109
Towson, MD 21204

RE: CASE # 90-53-A, August 16, 1989 - 2:00 p.m.

Dear Mr. Haines:

We have no objection to the proposed construction of a swimming pool placed in the front of the house on this property.

However, we feel strongly that the proposed location of the pool, just a few feet from the line for neighboring properties bordering this parcel of land on the southeast, is unreasonably close. We believe that the noise, quality of language, and debris generated from swimmers and guests are in close proximity to the existing homes and will be disturbing to this otherwise quiet area. The acreage of property where the pool is to be built appears to be large enough to allow flexibility in locating the pool much farther away from existing property lines.

If the construction of the pool is relocated significantly farther north or northeast from neighbor property lines, we would be agreeable to this zoning exception.

Sincerely,

Eugene O. and Loretta P. Reynolds
11962 Park Heights Avenue
Owings Mills, MD 21117

RECEIVED 8/13/89
AUG 8 1989

Dear Sirs: ZONING OFFICE

I am writing to you in response to case # 90-53-A. I have just purchased the property 12004 Park Heights Avenue which is located directly next door. The reason we purchased this property after looking for some time was because it seemed to have such a quiet atmosphere. We drove to the property many times morning, noon and evening to make sure there was no noise factor. I have a great concern for noise because I have paid \$97,500 for my older son to live in this property and he needs a quiet atmosphere especially during the day because he works the night shift at a psychiatric hospital. He is a psychiatric nurse counselor from 11 PM - 3 AM therefore

- 2 -
in the near future the caves valley golf course will be constructed with "high priced" "high style" homes as well. All the other developments in every direction near this house has upscale homes. A "pool" in the front of this house right on Park Heights Avenue a street that is a "main" thoroughfare would definitely be an eyesore.

We are against this request going through. I am putting this in writing because we had planned a vacation and we are out of town until Aug 18, 1989. I called the county zoning board and am following what they outlined for me to do in this situation. Thank you for your consideration.
owner - Dorothy Yaffe
house # 363-2528 ✓

ZERWITZ, KIRK & ERLICH
Attorneys at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

ARNOLD M. ZERWITZ
WILLIAM L. KIRK
PHYLLIS J. ERLICH

December 14, 1989

Baltimore County Zoning Commissioner
Office of Planning and Zoning
c/o County Office Building
111 W. Chesapeake Avenue
Towson, Md. 21204

Attn: Ms. Ann Nastarowicz, Deputy
RE: Edward & Janet Trott
Hearing Date: August 16, 1989
Item No.: 503

Dear Ms. Nastarowicz:

I have finally received the revised plat-site plan for my clients, the Trotts. The delay was that of the surveyor and not of my client. At this time, I am enclosing 10 copies of said site plan which I believe is the final matter to be produced for our hearing. We in fact, did request the surveyor to address the issue as to the possible moving of the pool from the 23' set back as shown on the plan. As a result of the topography of the land, the location of trees, driveway and the natural topography of the area in question, the area as shown on the site plan is the only suitable location for my clients.

In view of the fact that we have furnished you with photographs and testimony and the revised plan, I trust that the request for zoning variance will be granted and the appropriate permits can be lent. Additionally, I am sending a copy of letter received from A.L. Snyder, Surveyor, addressing one of the points in question, particularly the location of the pool.

Thanking you for your consideration in this matter, I am

Very truly yours,

WILLIAM L. KIRK

WLE:scd
Enclosure

cc: Edward & Janet Trott

ZERWITZ, KIRK & ERLICH
Attorneys at Law
SUITE 501 - PENTHOUSE CONDOMINIUM
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
(301) 337-8600

ARNOLD M. ZERWITZ
WILLIAM L. KIRK
PHYLLIS J. ERLICH

October 27, 1989

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Towson, Md. 21204

Attention: Ann Nastarowicz

RE: Edward & Janet Trott/Case No.: 90-53-A
Hearing Date: August 16, 1989

Dear Ms. Nastarowicz:

As you know, the above matter was continued by mutual request for the filing of additional plats and exhibits. The purpose of this letter is to inform you that I am still waiting for the engineers/surveyors documentation and will request whatever time reasonable by way of an extension in which to file these documents. It is my belief that my client wishes to go ahead with this matter and I ask your consideration in his behalf. I will contact you as soon as I hear from the appropriate persons.

Thanking you for your kind cooperation, I am

Very truly yours,

WILLIAM L. KIRK

WLE:scd
cc: Edward & Janet Trott

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Norman J. Levin	1 N. ...
JAMES F. SEAR, JR.	11958 PARK HTS. RD.
MARION R. SEAR	OWINGS MILLS, MD 21117
DOROTHY YAFFE	12004 PARK HEIGHTS AVE
	OWINGS MILLS, MD 21117

NAME	ADDRESS
Wm L. Kirk, Atty	28 Allegany Ave 21204
Edw. Trott	Pentagon 12022 Park Heights
Marty Lyons	6 Maryland Bldg

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

January 21, 1991

847 3353

Mr. & Mrs. Eugene O. Reynolds
11962 Park Heights Avenue
Owings Mills, Maryland 21117

RE: Petition for Zoning Variance
SW/8 Park Heights Avenue, 2300' SE of the c/l of Walnut Avenue
(12022 Park Heights Avenue)
4th Election District - 3rd Councilmanic District
Edward M. Trott, et ux - Petitioners
Case No. 90-53-A

Dear Mr. & Mrs. Reynolds:

With reference to the above-captioned matter, your letter dated December 28, 1990 to Mr. J. Robert Haines, Zoning Commissioner, has been forwarded to me for a response. The following comments are offered.

Please be advised that inasmuch as the decision rendered by me has been appealed to the County Board of Appeals, this matter is out of the jurisdiction of the Zoning Commissioner's Office and the decision now rests with the Board. Accordingly, by copy of this letter, I am forwarding a copy of your letter to the Board of Appeals for their consideration. In the event you have any further questions regarding this matter, it is suggested that you contact the County Board of Appeals at 847-3180.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File

Board of Appeals

December 28, 1990

Mr. J. Robert Haines
Zoning Commissioner
Baltimore County Office Building
111 W. Chesapeake Avenue
Room 109
Towson, MD 21204

Re: Motion for Reconsideration
Case No. 90-53-A

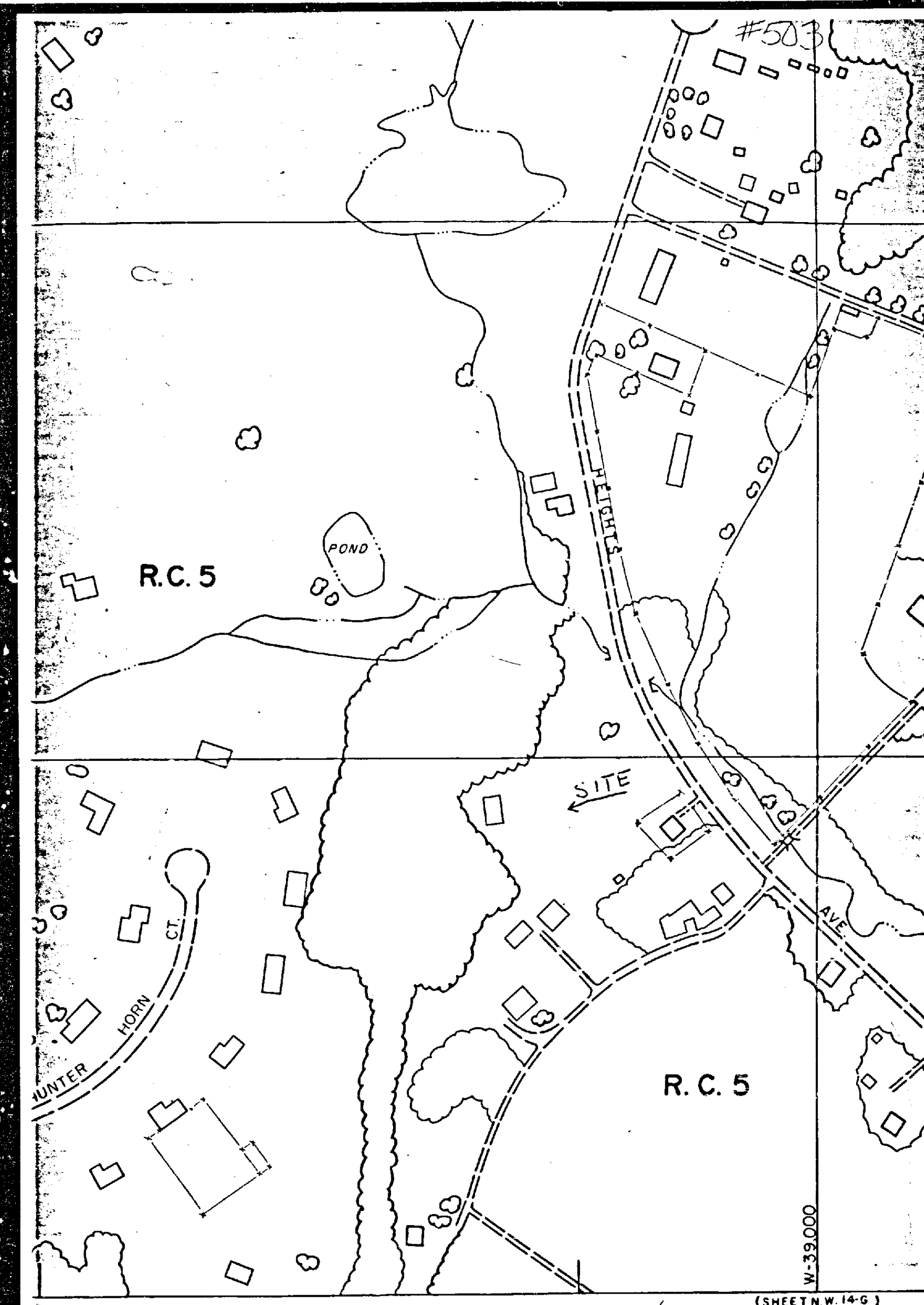
We believe that the Hearings of December 18, 1989 and April 4, 1990 were fairly judged and continue to apply.

Therefore, our position has not changed in that the location of the proposed swimming pool should be located away from existing developed properties and closer to undeveloped properties.

The new planting of a row of saplings along the property frontage of 12022 Park Heights Avenue cannot constitute a visibility screen since the height and spacing of the trees is inadequate to provide an effective screen of the swimming pool from the main road. The potential for conversion of these trees from real to personal property via severance renders the screen non-permanent.

Eugene O. Reynolds
Loretta P. Reynolds
Eugene O. and Loretta P. Reynolds
11962 Park Heights Avenue
Owings Mills, MD 21117

RECEIVED
JAN 2 1991
ZONING OFFICE



BALTIMORE COUNTY
OFFICE OF PLANNING
OFFICIAL ZONING MAP
County Council
983
88, 148-88, 149-88, 150-88
By Council

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

August 7, 1989

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

090

William L. Kirk, Esquire
28 Allegheny Avenue, Suite 501
Towson, MD 21204

RE: Item No. 503, Case No. 90-53-A
Petitioner: Edward M. Trott, et ux
Petition for Zoning Variance

MEMBERS

Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Dear Mr. Kirk:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development of plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. & Mrs. Edward M. Trott
12022 Park Heights Avenue
Owings Mills, MD 21208

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this
7th day of June, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Edward M. Trott

Petitioner's Attorney: William L. Kirk



Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

June 13, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Edward Trott Property
Zoning meeting 6/6/89
S/S Park Heights Avenue
MD 129
2300' east of
Walnut Avenue
Item #503 ?

Dear Mr. Haines:

After reviewing the submittal for a variance to permit an accessory building (pool) in the front yard in lieu of the rear yard, we find the plan must be revised to show a future 80' right-of-way on Park Heights Avenue.

If you have any questions, please call Larry Brocato (333-1350).

Very truly yours,

Gregory J. Mills, Jr.
Gregory J. Mills, Jr. Chief
Engineering Access Permits
Division

LB/es

cc: Mr. J. Ogle

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
363-7555 Baltimore Metro - 555-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County
Fire Department
800 York Road
Towson, Maryland 21204-2386
(301) 887-4500

Paul H. Heinicke
Chief

JUNE 12, 1989



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: EDWARD M. TROTT

Location: SW/S OF PARK HEIGHTS AVENUE, 2,300' SE
OF CENTERLINE OF WALNUT AVENUE

Item No.: 503 Zoning Agenda: JUNE 6, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Paul H. Heinicke* Noted and Approved
Planning Group
Special Inspection Division

JK/KER

JUN 14 1989

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 20, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for June 6, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for items 502, 503, 505, 506, 507, 509, and 512.

For items 417 and 510 the previous County Review Group comments are still valid.

Comments are attached for item 407.

For item 504, Oak Avenue shall ultimately be improved as a 20-foot street cross-section on a 50-foot right-of-way.

For item 508, parking should not be set up to back out onto future Craddock Lane.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:is

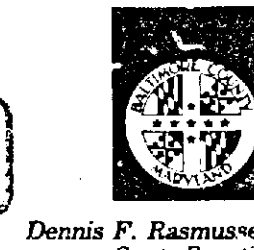
Encl.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

July 24, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, MD 21204

RECEIVED
AUG 3 1989



Dennis F. Rasmussen
County Executive

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 407, 417, 502, 503, 504, 505, 506, 507, 508, 509, 510 and 512.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF/lab